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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
THE BOARD OF APPEALS AND INTERFERENCES**

Applicants: Michael Smith, David Diffor, and Robert Miller  
Serial No: 09/309,396  
Title: HOP EXTRACT OF DEFINED COMPOSITION  
Filing Date: May 7, 1999  
Group Art Unit: 1761  
Examiner: Curtis E. Sherrer  
Docket No: YC1.P07

M.S. Reply Brief - Patents  
Commissioner for Patents  
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June 30, 2006

**SUPPLEMENT TO APPEAL BRIEF**

Sirs:

The above listed Applicants, now Appellants, in regards to the above listed application for a non-provisional U.S. letters patent, hereby submits this Supplement to the Second Appeal Brief filed on December 15, 2005 to the Board of Patent Appeals and Interferences, to correct formalities in response to the ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER, marked as mailed June 20, 2006. This Supplement includes a Corrected Claims Appendix to substitute the previously filed Claims Appendix. This Supplement also adds a blank Evidence Appendix and a Related Proceeding Appendix, to the Appeal Brief, as requested

**CORRECTED CLAIMS APPENDIX**

The following is claimed:

1. An enriched alpha-acid hop extract product free of organic solvent and formed from a carbon dioxide extraction of whole hops, the enriched alpha-acid hop extract product having:  
an alpha-acids concentration supplemented by the addition of purified alpha-acids, the resultant alpha-acids concentration greater than 60% by weight;  
a total beta-acids concentration of less than 20% by weight; and  
a total hop essential oils concentration in excess of 1% by weight.
2. The enriched alpha-acid hop extract product of claim 1, wherein the total alpha-acids concentration is approximately 70% by weight.
12. The enriched alpha-acid hop extract product of claim 1, wherein the purified alpha-acids are formed from an alkali hydroxide fractionation of a whole hop extract.
13. An enriched alpha-acid hop extract product having:  
a first whole hop extract component produced through a carbon dioxide solvent extraction, the whole hop extract component including alpha-acids, beta acids and hop essential oils, hard resins and waxes;

a purified alpha acids component formed from a refined portion of an organic solvent free, second whole hop extract component;  
the purified alpha acids component stabilized in storage by the first whole hop extract component;  
and  
the enriched alpha acid-hop extract having a total alpha-acids concentration greater than 60% by weight, a total beta-acids concentration less than 20% by weight, and a total hop essential oils concentration in excess of 1% by weight.

14. The enriched alpha-acid hop extract product of claim 13, wherein the enriched alpha-acid hop extract product has a total alpha-acids concentration of approximately 70% by weight.

15. The enriched alpha-acid hop extract product of claim 13, wherein the purified alpha-acids are formed from an alkali hydroxide fractionation of the whole hop extract.

16. The enriched alpha-acid hop extract product of claim 13, wherein:  
the whole hop extract is a first whole hop extract;  
the second whole hop extract component is an organic solvent free, second whole hop extract component; and  
the purified alpha acids component stabilized in storage by the first whole hop extract component.

**EVIDENCE APPENDIX**

None submitted.

**RELATED PROCEEDINGS APPENDIX**

No other proceedings are known to the Appellants' legal representative, which will directly affect or will be directly affected by or have bearing on the Board's decision in the pending appeal.

With the above Corrected Claims Appendix, it is noted that the changes listed in the AMENDMENT AFTER FINAL OFFICE ACTION UNDER 37 C.F.R. §1.116, mailed June 27, 2001, did not appear in the previously filed Appeal Brief. Specifically, claim 1 now includes a revision related to solvent free extraction, and claim 13 (erroneously noted as claim 16 in the June 27, 2001 revision), also included several substantive changes. Please substitute the previous Claim Appendix with this corrected version.

Respectfully submitted,  
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#### CERTIFICATE OF TRANSMITTAL BY FACSIMILE

I hereby certify that this correspondence, and all referenced documents, are being transmitted via facsimile to the Commissioner of Patents and Trademarks, Washington D.C., at Centralized FAX number (571) 273-8300, on June 30, 2006.

  
CHRIS E. SVENDSEN